

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 553

Introduced by Assembly Member Furutani

February 25, 2009

An act to ~~add Section 52321.5 to~~ *amend Section 52302.8 of the Education Code*, relating to education finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 553, as amended, Furutani. Educational finance: regional occupational centers or programs.

Existing law authorizes the establishment of regional occupational centers or programs to provide career technical education and technical training to students. Existing law provides a system for the funding of regional occupational centers or programs that includes provision for the apportionment of state funds to these centers or programs. *Existing law requires that, for the 2011–12 fiscal year and each fiscal year thereafter, a regional occupational center or program may claim no more than 10% of the state-funded average daily attendance for which the center or program is eligible, for services provided to students who are not enrolled in grades 9 to 12, inclusive, and up to an additional 5% for CalWORKs, Temporary Assistance Program, or Job Corps participants and participants under the federal Workforce Investment Act of 1998 who are enrolled in Intensive Training services.*

~~This bill would express legislative findings and declarations relating to the variance, among regional occupational centers or programs throughout the state, in the amount of state funding per unit of average daily attendance that is apportioned to those centers or programs. The bill, commencing with the 2011–12 fiscal year, would require the~~

~~Superintendent of Public Instruction to calculate a rate per unit of average daily attendance that would be apportioned to each regional occupational center or program and to determine the statewide median of total state funding received per unit of average daily attendance by each regional occupational center or program~~ *instead require that this 10% limit commence with the 2013–14 fiscal year and continue each fiscal year thereafter.*

~~The bill would also require the Superintendent of Public Instruction, commencing with the 2011–12 fiscal year, to inform, in writing, the governing board of each regional occupational center or program that he or she determines is funded at a rate per unit of average daily attendance that is below the statewide median determined under the bill that it is exempt from requirements imposed on regional centers or programs by a specified statute unless and until the Superintendent determines that the regional center or program is funded at a rate per unit of average daily attendance that is higher than or equal to the statewide median determined under the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 52302.8 of the Education Code is amended*
- 2 *to read:*
- 3 52302.8. (a) The Legislature hereby finds and declares that
- 4 vocational training resources that are provided through regional
- 5 occupational centers and programs are an essential component of
- 6 the state's secondary school system and the local system of
- 7 providing occupational skills training to high school pupils. For
- 8 this reason, the Legislature finds and declares that these resources
- 9 should be focused primarily on the needs of pupils enrolled in high
- 10 school.
- 11 (b) For the 2008–09 fiscal year, a regional occupational center
- 12 or program may claim no more than 50 percent of the state-funded
- 13 average daily attendance for which the center or program is eligible,
- 14 for services provided to students who are not enrolled in grades 9
- 15 to 12, inclusive.
- 16 (c) For the 2009–10 fiscal year, a regional occupational center
- 17 or program may claim no more than 30 percent of the state-funded
- 18 average daily attendance for which the center or program is eligible,

1 for services provided to students who are not enrolled in grades 9
2 to 12, inclusive.

3 (d) For the~~2011-12~~ 2013-14 fiscal year and every fiscal year
4 thereafter, a regional occupational center or program may claim
5 no more than 10 percent of the state-funded average daily
6 attendance for which the center or program is eligible, for services
7 provided to students who are not enrolled in grades 9 to 12,
8 inclusive, and up to an additional 5 percent for CalWORKs,
9 Temporary Assistance Program, or Job Corps participants and
10 participants under the federal Workforce Investment Act of 1998
11 (29 U.S.C. Sec. 2810 et seq.) who are enrolled in Intensive Training
12 services.

13 (e) Pupils who are CalWORKs, Temporary Assistance Program,
14 or Job Corps participants shall have priority for service within the
15 percentage limits established under subdivision (d).

16 (f) Notwithstanding subdivision (d), a regional occupational
17 center or program may claim more than 15 percent of its average
18 daily attendance for students who are not enrolled in grades 9 to
19 12, inclusive, if all of the students who are not enrolled in grades
20 9 to 12, inclusive, are CalWORKs, Temporary Assistance Program,
21 or Job Corps participants, and if the governing board of the regional
22 occupational center or program does all of the following:

23 (1) Meets with local human services directors, and
24 representatives of adult education programs, community colleges
25 and other institutions of higher education, to assess the needs of
26 CalWORKs, Temporary Assistance Program, or, Job Corps and
27 federal Workforce Investment Act participants to identify
28 alternative ways to meet the needs of these adult students.

29 (2) Enters into a transition plan, approved by the Superintendent,
30 to become in compliance with subdivision (d) in accordance with
31 benchmarks and timelines established in the transition plan.
32 Transition plans shall be established pursuant to guidelines issued
33 by the department, in consultation with the State Department of
34 Social Services, and shall be resubmitted and reviewed annually.

35 (g) Notwithstanding subdivisions (b), (c), and (d), a regional
36 occupational center or program that claims more than 40 percent
37 of its students are not enrolled in grades 9 to 12, inclusive, on
38 January 1, 2007, shall submit a letter to the Superintendent by July
39 1 of each year until it complies with this subdivision, outlining the
40 goals of the regional occupational center or program to reduce the

1 number of adult students in order to comply with subdivision (d)
2 on or before July 1, ~~2013~~ 2014.

3 (h) Regional occupational centers and programs operated in a
4 rural county of the sixth, seventh, or eighth class may exceed the
5 number of adults by an additional 10 percent of the limits
6 established in subdivisions (b), (c), and (d).

7 (i) (1) For purposes of this calculation, adult average daily
8 attendance attributable to continuously enrolled grade 12 pupils
9 who have not passed the high school exit examination pursuant to
10 Section 60851 is excluded from the calculation under this section.
11 Amounts that may become available from reductions resulting
12 from the enactment of this section shall be redirected to other
13 regional occupational centers or programs to serve additional
14 secondary pupils.

15 (2) Adult average daily attendance funding for a regional
16 occupational center or program that has entered into a corrective
17 action plan pursuant to subdivision (k) shall not be redirected to
18 other regional occupational centers or programs to serve additional
19 secondary pupils for up to three years while the regional
20 occupational center or program is in corrective action.

21 (j) The governing boards of a community college district and a
22 regional occupational center or program may enter into contractual
23 agreements under which the center or program provides services
24 to adult students of the community college district affected by this
25 section if both of the following are satisfied:

26 (1) The agreements conform to state regulations and audit
27 requirements jointly developed by the Chancellor of the Office of
28 the California Community Colleges and the State Department of
29 Education, in consultation with, and subject to approval by, the
30 Department of Finance.

31 (2) A course offered for adults pursuant to an agreement entered
32 into pursuant to this subdivision is limited to the same cost per
33 student to the state as if the course were offered at the regional
34 occupational center or program. This subdivision does not authorize
35 the apportionment of funds for community colleges for adult
36 students in excess of the revenue limit for regional occupational
37 centers or programs if a course is deemed eligible for college credit.

38 (k) A regional occupational center or program that fails to meet
39 a timeline established under subdivision (c), (d), or (g) shall meet
40 with the community college, adult education program, or other

1 adult service to identify alternative means of meeting the needs of
2 adult students and shall enter into a corrective action plan
3 administered by the department. The corrective action plan shall
4 be established pursuant to guidelines issued by the department and
5 shall be submitted to the department annually for review.

6 ~~SECTION 1. The Legislature finds and declares both of the~~
7 ~~following:~~

8 ~~(a) The enactment of Chapter 572 of the Statutes of 2006 (A.B.~~
9 ~~2448 of the 2005-06 Regular Session) established numerous~~
10 ~~requirements and mandates on school districts. These requirements~~
11 ~~and mandates included, but were not limited to, all of the following:~~

12 ~~(1) Prohibiting regional occupational centers and programs~~
13 ~~(ROC/Ps) from claiming more than 10 percent of state-funded~~
14 ~~average daily attendance (ADA) for services provided to adult~~
15 ~~students by July 1, 2011.~~

16 ~~(2) Requiring the governing board of each ROC/P to ensure that~~
17 ~~at least 90 percent of all state-funded programs target high-demand,~~
18 ~~high-skill occupations by July 1, 2010.~~

19 ~~(3) Requiring school districts, ROC/Ps, and community college~~
20 ~~districts that have not completed specified course development to~~
21 ~~enter into a corrective action plan.~~

22 ~~(4) Rendering inoperative, as of June 30, 2010, the authorization~~
23 ~~for ROC/Ps to provide, on an individual referral basis, academic~~
24 ~~and personal development instruction for adult students enrolled~~
25 ~~in career technical courses when it is determined that this~~
26 ~~instruction is essential to ensure the employability of the student.~~

27 ~~(5) Requiring an ROC/P, commencing with the 2007-08 fiscal~~
28 ~~year, to use all of its growth ADA to serve pupils in grades 9 to~~
29 ~~12, inclusive.~~

30 ~~(b) The apportionment rates of ROC/Ps vary significantly among~~
31 ~~districts, providing the pupils in some districts with access to~~
32 ~~well-funded, state-of-the-art programs, while leaving pupils in~~
33 ~~other districts with only limited access to underfunded course~~
34 ~~offerings.~~

35 ~~SEC. 2. Section 52321.5 is added to the Education Code, to~~
36 ~~read:~~

37 ~~52321.5. (a) For each fiscal year, commencing with the~~
38 ~~2011-12 fiscal year, the Superintendent shall do both of the~~
39 ~~following:~~

1 ~~(1) Calculate a rate per unit of average daily attendance that~~
2 ~~shall be apportioned to each regional occupational center or~~
3 ~~program.~~

4 ~~(2) Determine the statewide median of total state funding,~~
5 ~~including, but not necessarily limited to, the apportionment~~
6 ~~referenced in paragraph (1), received per unit of average daily~~
7 ~~attendance by each regional occupational center or program.~~

8 ~~(b) Notwithstanding any other provision of law, commencing~~
9 ~~with the 2011–12 fiscal year, the Superintendent shall inform, in~~
10 ~~writing, the governing board of each regional occupational center~~
11 ~~or program that he or she determines is funded at a rate per unit~~
12 ~~of average daily attendance that is below the statewide median~~
13 ~~determined under paragraph (2) of subdivision (a) that it is exempt~~
14 ~~from requirements imposed on regional centers or programs by~~
15 ~~Sections 52302, 52302.2, 52302.3, 52302.5, 52302.8, 52314,~~
16 ~~52314.5, 52315, 52321, and 52335.12, as those sections were added~~
17 ~~or amended by Chapter 572 of the Statutes of 2006, unless and~~
18 ~~until the Superintendent determines that the regional center or~~
19 ~~program is funded at a rate per unit of average daily attendance~~
20 ~~that is higher than or equal to the statewide median determined~~
21 ~~under paragraph (2) of subdivision (a). The notice required by this~~
22 ~~subdivision shall specify the requirements from which the regional~~
23 ~~center or program is being exempted.~~